

february 25, 2010

# RESEARCH REVIEW



RESEARCH REVIEW  
FEBRUARY 25, 2010

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# AGRICULTURE

Jeremy Maxwell

## THE FULL COMMITTEE

The Agriculture Committee met Tuesday to hear presentations. The committee heard a presentation by Julie Walker, Dairy Advocate from Washington County. The second presentation was given by Wendy Willette, who spoke about being an Ag in the Classroom teacher and the Lauderdale County Agriculture Learning Center.

There were no bills on notice.

## GENERAL SUBCOMMITTEE OF AGRICULTURE

The subcommittee met Tuesday to consider one bill on calendar. **HB 3315 (Ford)** failed for a lack of motion. The bill defined food and shelter for both livestock and non-livestock animals for the purposes of animal offenses.

# CHILDREN & FAMILY AFFAIRS

Amelia Mitchell

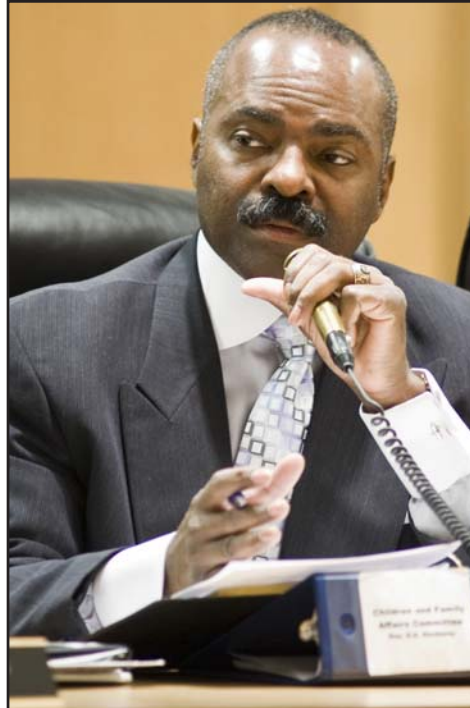
## THE FULL COMMITTEE

The **Children & Family Affairs Committee** met on Tuesday February 23<sup>rd</sup> and considered the following legislation:

### Deferred one week:

**HB 677 by Rep. Cooper** as amended states a parent may not be suspended from visitation due to being unable to pay for a specified visit. Supervisors serving under a court order may seek monetary relief from the court. In cases in which the court has found specific cases of abuse, the parent causing supervised visits is responsible for the costs. The cost for the supervised visit shall not exceed the guidelines of the Administrative Office of the Courts. The cost for a facility for the visitation may not exceed \$40 per hour.

**HB 5 by Rep. Hardaway** requires the court to set a presumptive date for terminating the child support obligation except when medical support or other fees may be due to support a disabled



Representative Hardaway

child or to comply with a court order requiring support for a child through college.

## THE FAMILY JUSTICE SUBCOMMITTEE

The **Family Justice Subcommittee** met on Tuesday February 23<sup>rd</sup> and considered the following legislation:

### Deferred one week:

**HB 2916 by Rep. Bell** requires the court to order equal parenting time to both parents unless there are findings that one or both parents are unfit to care for the child. The court may grant less than equal time if a parent does not seek equal parenting time. The Family Justice Subcommittee also heard testimony regarding the bill.

**HB 3720 by Rep. Maddox** creates a task force to study the Carroll Academy intensive day treatment program for at-risk youth located in Huntington, Tennessee.

**HB 2658 by Rep. Favors** requires a parent's or caregiver's diagnosable addiction to be considered when



Family Justice Chair Bell

determining the best interest of the child in custody, parental relocation and parenting plan cases.

**Taken off notice:**

**HB 3194 by Rep. Faulkner** exempts non-Tennessee residents from paying the sixty dollar marriage license fee when obtaining a marriage license in Campbell County.

**DOMESTIC RELATIONS  
SUBCOMMITTEE**

The **Domestic Relations Subcommittee** met on Tuesday February 23<sup>rd</sup> and considered the following legislation:

**Passed to Full Committee:**

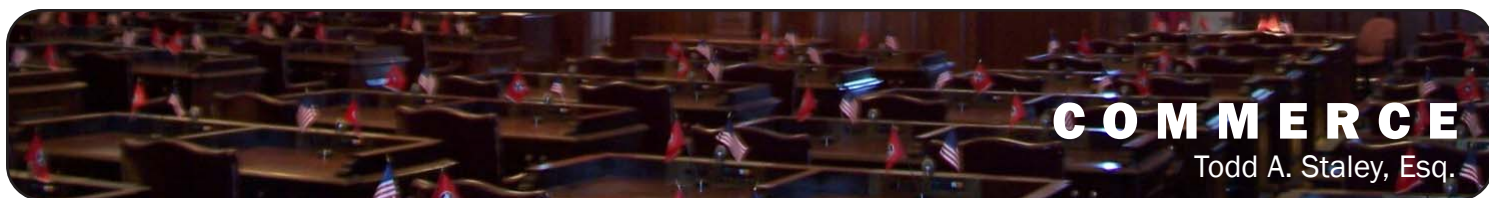
**HB 3454 by Rep. Curtiss** requires the permanent school records for children in state custody be transferred to the state in the event of the students' agency school closing or a departmental contract for providing education ceases.

**Deferred two weeks:**

**HB 20 by Rep. Hardaway** creates the Office of Noncustodial Parent Advocacy pilot project within all juvenile courts and all courts exercising juvenile court jurisdiction.

**HB 1131 by Rep. Hardaway** grants either parent the authority to file a petition for an expedited hearing regarding a parenting plan.

**HB 2700 by Rep. Dennis** creates a rebuttable presumption of substantial harm to a child of the termination of the relationship between the child and grandparent in circumstances when a grandparent, who is the parent of a deceased parent of the child, is seeking visitation with that child.



Todd A. Staley, Esq.

**FULL COMMITTEE**

The **Commerce Committee** did not have any bills on notice and did not meet.

**UTILITIES & BANKING  
SUBCOMMITTEE**

The **Utilities & Banking Subcommittee** met on Tuesday to consider four bills.

**HB 3773 (McManus)** would allow a local exchange provider under market regulation to file a tariff with the Tennessee Regulatory Authority. This tariff would outline the rates, terms and conditions of the contract between the provider and its customers. Under the 2009 legislation that allows market regulation, TRA does not have the



Representative McManus

ability to receive, review, approve or deny tariffs. Director Eddie Roberson testified that TRA would need the statutory authority. Chuck Welch with the local exchange carriers told the subcommittee that this legislation would give the smaller carriers another method of publishing their terms/conditions. The subcommittee opted to roll the bill to give members more time for consideration.

[rolled one week]

**HB 2970 (Odom)** was rolled for one week.

**HJR 748 (Hardaway)** was rolled for one week.

**HB 3395 (Rich)** was rolled for two weeks.



## SMALL BUSINESS SUBCOMMITTEE

The **Small Business Subcommittee** met on Wednesday and moved three bills to the full committee.

**HB 3448 (Matlock)** authorizes an operator of a crematory to dispose of unclaimed cremated remains after 180 days. The operator would keep records of any dispositions. An amendment to make some technical corrections is expected to be brought to the full committee.  
*[moved to full committee]*

**HB 3831 (Shaw)** would allow the Commissioner of Commerce & Insurance to be appointed a receiver to take control of a cemetery that has failed to maintain registration and trust funding.  
*[moved to full committee]*

**HB 3849 (Yokley)** changes several licensure requirements for motor vehicle sales, home inspectors, real estate brokers, and liquid petroleum permit holders. Currently, anyone convicted of a felony would have to wait five years before applying for licensure for motor vehicle sales. The bill changes the start time for that five-year period from the date of conviction to the date the individual finishes their sentence. Also, the renewal period for licenses would change from 30 days before expiration to anytime before expiration. The licensure for petroleum permit holders would change from every two years to annually, and there is a reduction in the renewal fees to a per year amount.  
*[moved to full committee]*

**HB 34 (Hardaway)** requires funeral directors to surrender custody of a body after receiving written notice from the family. Also, funeral directors would have to disclose the law to the consumer. Any violation would cause the funeral director to lose their exemption for continuing education. The subcommittee heard from Robert

Batson with the Funeral Directors Association. Mr. Batson testified that the legislation may not be needed as it is already against the law to refuse to turn over a body. After much discussion, the subcommittee decided to roll the bill so that it may have more time for consideration next week.  
*[rolled for one week]*

**HB 3320 (Floyd)**  
*[rolled for one week.]*

## INDUSTRIAL IMPACT SUBCOMMITTEE

The **Industrial Impact Subcommittee** met on Wednesday and moved four bills to the full committee.

**HB 3158 (Curtiss)** would extend the requirements for information to be on the outside of a bid envelope for certain crafts to be included for an electronic bid. Currently, all bids for the electrical, plumbing, heating, ventilation and air conditioning contracts and for each vertical closed loop geothermal heating and cooling project, must include certain information on the outside of the bid envelope.  
*[moved to full committee]*

**HB 2904 (Lollar)** decreases from five to three years the time commitment a small employer must purchase coverage through a health group cooperative.  
*[moved to full committee]*

**HB 3830 (Favors)** eliminates the June 30, 2009 termination date for the Interstate Insurance Product Regulation Commission.  
*[moved to full committee]*

**HB 1242 (Curtiss)** authorizes service in person or by registered mail for all notices and answers required by the Contractors Licensing Board.  
*[moved to full committee]*

**HB 2105 (Shepard)** as amended would extend insurance coverage for autism treatments to 22-years of age.



*Representative Shepard*

Currently, mandated coverage is only up to age 12.  
*[placed behind special mandate calendar]*

**HB 396 (Fincher)** as amended requires the Department of Health to develop a plan to establish a statewide colorectal cancer screening awareness, prevention, early detection, and treatment program to ensure colorectal screenings for uninsured or underinsured individuals. It also requires health insurance policies to provide coverage for colorectal screening tests after January 1, 2011.  
*[placed behind special mandate calendar]*

**HB 3641 (Todd)** removes the requirement that local law enforcement must sign permits for public fireworks displays. According to the industry, it is very costly for companies because they must hire runners to obtain all the proper signatures from local law enforcement. The industry testified that they are working with the Police Chiefs Association to address their concerns.  
*[rolled for one week]*

**HB 3759 (West)** extends the Department's authority over surplus line

insurers. Deputy Commissioner John Morris testified that the Department does not currently regulate surplus line insurers although they do license the insurance agents. Also, the bill may need an amendment to allow the Department to review complaints made by individuals against a surplus line insurer.

*[rolled for one week]*

**HB 2686 (Hill)** was *rolled for two weeks*.

**HB 2534 (West)** was *rolled for two weeks*.



## THE FULL COMMITTEE

The Conservation and Environment Committee met Tuesday to consider two bills on calendar.

The following bill was *referred to Calendar and Rules as amended*:

**HB 3829 (McDaniel)** adds Hill Forest in Davidson County to the list of class II natural scientific areas. Increases from 200 to 250 acres the area of Carroll Cabin Barrens considered a class II natural scientific area. Increases from 3,950 to 6,530 acres the area of Frozen Head State Park considered a class II

scenic recreational area. It adds 7,320 acres to the area of Frozen Head State Park classified as neither a class I nor class II area. Increases from 3,950 to 6,530 acres the area of Frozen Head State Natural Area considered a class II natural scientific area.

The following bill was *referred to Calendar and Rules*:

**HB 3195 (Faulkner)** requires persons operating vessels on waters of the state to stop such vessels, if safe, upon a signal of an emergency vessel, and to obey any other reasonable signal given in directing the movement of traffic on such waters.

The committee also heard a couple of presentations. The first one was on Forever Green Tennessee. As real estate is developed and new residents move to Tennessee, a small portion of the transfer tax is re-invested in protecting a Forever Green Tennessee. The committee also heard a presentation on White-nose Syndrome, a mysterious disease that is killing bats across the eastern United States.

## ENVIRONMENT SUBCOMMITTEE

The Environment Subcommittee met Tuesday to consider three bills on calendar. **HB 2991 (McManus)** was *referred to full committee*. This bill changes word “tax” to “fee” in

statement appearing on bill for storm water fees.

The following bill was *deferred two weeks*:

**HB 2837 (Floyd)** includes all minerals under provision clarifying interpretation of property conveyances and requires permitting for rock harvesting.

The following bill was *deferred to last calendar*:

**HB 2579 (McCormick)** requires certain cities to provide a method to lessen the impact of increased fees for storm water management on 501(c)(3) religious organizations.

## PARKS SUBCOMMITTEE

The Parks Subcommittee met Wednesday to consider two bills on calendar. **SJR 705 (McDaniel)** was referred to full committee. This joint resolution expresses support for the work of Every Child Outdoors – Tennessee and the Tennessee Children’s Outdoor Bill of Rights.

The following bill was *deferred to the last calendar*:

**HB 3106 (McCormick)** authorizes veterans with at least a 50 percent service-connected disability as certified by the veterans’ administration to receive a 50 percent reduction in room fees in all state park inns and cabins



Representative McDaniel

and on greens fees on certain golf courses in state parks.

## WILDLIFE SUBCOMMITTEE

The Wildlife Subcommittee did not meet this week.



### THE FULL COMMITTEE

The full committee met on Wednesday, February 24, 2010, to hear one bill on calendar.

#### Passed to Calendar and Rules:

**HB 2551 by Dean** (SB 2649 by Burchett) adds motorcycles to lemon laws regarding warranty protections.

The committee members heard testimony on workers' compensation.



*Representative Dean*

### CONSUMER AFFAIRS SUBCOMMITTEE

The subcommittee met on Wednesday, February 24, 2010 and had two bills on calendar.

#### Rolled to Last Calendar:

**HB 1612 by Turner M** (SB 1119 by Berke) requires gift certificates with a monetary value of less than \$10.00 to be redeemable in cash for cash value.

#### Rolled One Week w/ amdt:

**HB 2118 by Dennis** (SB 2178 by Stanley) is re-written by an amendment that was attached in committee. Any health club that receives payments 90 days in advance from a buyer, or makes direct withdrawals from a buyer's bank account or provides a buyer the option to finance fees through a third party is required to post a \$25,000 bond with the Department of Commerce and Insurance.

### EMPLOYEE AFFAIRS SUBCOMMITTEE

The Employee Affairs Subcommittee, which met on Wednesday February 24, 2010, had five bills on calendar.

#### Rolled One Week:

**HB 2685 by Hill** (SB 2753 by Johnson) authorizes employers to require that English be spoken in the workplace if the requirement is based on business or safe workplace necessity and the employer provides notice to employees of the requirement and the

consequences of violating the requirement. An amendment attached to the bill defines a "business or safe workplace necessity"; and makes a distinction between work and a meal period, rest period or other break not considered work time.

**HB 2878 by Hill** (SB 3759 by Bunch) deletes the requirement that employers pay by check presentable at some bank or other established place of business.

#### Rolled 2 Weeks:

**HB 3889 by Harrison** (SB 2409 by Faulk) excludes periods of temporary total disability under the workers compensation law from calculation of base period for purposes of unemployment compensation. Eliminates the current structure of the Board of Review, in the Department of Labor and Workforce Development, for second level contested unemployment appeals and replaces it with a new structure that utilizes licensed attorneys from the Legal Division designated by the Commissioner. The bill also eliminates requirement that written notification of decisions be sent by certified mail.

#### Passed to Full Committee:

**HB 3789 by Curtiss** (SB 3874 by Kyle) eliminates the current structure of the Board of Review, in L&WFD, for second level contested unemployment appeals and replaces it with a new structure that utilizes licensed attorneys from the Legal Division designated by the Commissioner. The bill also



eliminates the requirement that written notification of decisions be sent by certified mail.

**Held until Review Received from WCAC:**

**HB 3525 by Maddox** (SB 3336 by Herron) makes permanent the

temporary suspension imposed by HB7/SB1 of the 2010 Extraordinary Session of the requirement that independent contractors in the construction industry obtain workers compensation insurance.



**HOUSE EDUCATION COMMITTEE**

The **House Education Committee** met on Wednesday, February 24<sup>th</sup>, to hear presentations and to discuss legislation. Representing the TN Scholars program were Ruth Woodall with the Tennessee Chamber of Commerce and Industry and Cheryl Harvey with Eastman Chemical Company in Kingsport. Also, the Comptroller's Office of Research and Education Accountability presented research findings on community college governance in other states so that the committee may deduce the most proper form in which to constitute our own community colleges. Making the presentation for the Comptroller's office was director Dr. Phil Doss, Russell Moore and Jessica Gibson.

*Bills passed to Calendar & Rules:*

**HB 2754 (Hackworth)** – This bill allows licensed architects and engineers to perform construction management services for local school boards. Licensed general contractors already were able to perform these services on behalf of school boards.

**HJR 767 (Ramsey)** – This resolution requires the Department of Education to study green cleaning practices in schools in Tennessee.

*Bills rolled 2 weeks:*

HB 549 (Hardaway)  
HB 379 (Sargent)

HB 3530 (Maddox)  
HB 3590 (Lollar)

*Bills referred to K-12 subcommittee:*  
HB 2996 (J. DeBerry)

**K-12 SUBCOMMITTEE**

The **K-12 Subcommittee** also met on Wednesday to continue consideration of issues assigned to the subcommittee. The subcommittee is continuing to take up bills by category, and the next week's discussions will be no exception. Discussion of actions taken is as follows:

*Bills passed to the full committee:*

**HB 3415 (Brown)** – This bill requires annual surveys of LEA extended learning opportunities made by the Department of Education to be made available to the LEAs so that successful programs can be replicated.

**HB 3737 (Coley)** – This bill requires that the Department of Education's annual survey of voluntary pre-K be distributed via the internet to the public.

**HJR 781 (Hardaway)** – This resolution directs the Department of Education to study access to optional or magnet schools and programs within Memphis City Schools and to make recommendations regarding the implementation of such programs district wide.

**HB 3148 (Winningham)** – This bill requires LEAs to document student transfers with the best information available. This bill also requires GED recipients to be counted as high school graduates for all purposes except federal.

**HR 59 (Lollar)** – This resolution declares the support of the House of Representatives for the State Board of Education's efforts to get every Tennessee high school graduate to complete at least one college admissions application.

**HB 3332 (H. Brooks)** – This bill opens up authorization to operate



*Representative Coley*





Representative Gilmore

innovative educational programs to all LEAs, instead of only 24 systems.

**HB 3517 (J. DeBerry)** – This bill encourages LEAs to study the STEP program as enacted in Memphis City Schools and to consider creating their own STEP programs.

**HB 3733 (Gilmore)** – This bill, as amended, would extend a two-year pilot in Davidson County for an extra two years. In this pilot program, CTE class size limits are relaxed.

*Bills rolled 1 week:*

HB 3711 (Towns)  
HB 3105 (Harwell)  
HB 3168 (Curtiss)  
HB 3411 (Brown)

*Bills rolled 2 weeks:*

HB 3867 (U. Jones)  
HB 3875 (U. Jones)  
HB 2645 (B. Cooper)  
HB 3416 (Brown)

*Bills rolled 3 weeks:*

HB 3484 (Ferguson)

*Bills rolled to the last calendar:*

HB 2937 (Lollar)  
HB 3133 (H. Brooks)

*Referred to the State Board of Education for study:*

HB 2954 (Coley)

*Taken off notice:*

HB 3118 (Dunn)  
HB 3794 (M. Turner)

HB 3820 (M. Turner)  
HB 3870 (U. Jones)

## HIGHER EDUCATION SUBCOMMITTEE

The **Higher Education**

**Subcommittee** met on Wednesday, February 17<sup>th</sup>. Results of actions taken are as follows:

*Bills rolled 2 weeks:*

HB 2897 (Armstrong)  
HB 58 (Hardaway)  
HB 43 (Hardaway)  
HB 3074 (Hill)

*Taken off notice:*

HB 3068 (Campfield)

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## THE FULL COMMITTEE

The House Finance, Ways & Means Committee met on Tuesday, February 23, 2010 with three bills on calendar. Following the dispensation of the bills on the committee's calendar, the committee reviewed expansion requests, ultimately giving final approval, and then continued its task in holding departmental budget hearings.

All three bills were referred to Calendar and Rules. The following is a brief description of the bills as the full committee recommended them for passage:

**HB 2524 (Rep. Moore)** is a highway/bridge sign memorializing a Tennessee Armed Services member who was



Representative Moore

killed in action. The legislation designates the bridge spanning the railroad tracks on U.S. Highway 31E (Gallatin Road) at Campbell Road in the Madison community of Metropolitan

Nashville and Davidson County as the "*Michael Allen Jones Memorial Bridge*" and directs the Department of Transportation to erect suitable signs. Mr. Jones was killed in action while serving in Vietnam, therefore, the costs of the signs shall be funded in accordance with TCA §54-1-133.

**HB 3023 (Rep. J. Cobb)** is a memorializing highway sign designating the bridge spanning Town Creek south of Spring City on U.S. Highway 27 in Rhea County as the "*Tallent Bridge*" and directs the Department of Transportation to manufacture and erect suitable signs. Designating signs shall be erected only if non-state funds are paid to TDOT to manufacture and erect such signs. The Finance Committee amended the bill to specify that Rhea County will be the local governmental (non-state) entity that will oversee the payment for the cost of the signs.

**SJR 30 (Sen. Jackson, carried by Rep. McCord)** is the Constitutional Amendment on Hunting and Fishing. This resolution is the proposed constitutional amendment previously approved by the 105th General Assembly relative to granting citizens the right to hunt, fish, and harvest game. The proposed amendment would amend Article XI, Section 13 of the State's Constitution. Upon passage of this resolution, it will be placed on the 2010 regular November general election ballot. The stated legislative intent of this amendment is declared to be the following:

- (1) Hunting and fishing for the taking of game and fish are a valued part of this state's heritage and should be preserved for the people;
- (2) Citizens of this state should have the opportunity to take game and fish by traditional manner and means;

however, game and fish management, including hunting and fishing, shall be consistent with the state's duty to honor this heritage and its duty to conserve and protect game and fish; and

- (3) The right of the people to hunt and fish shall be subject to reasonable regulations and restrictions as the Legislature may prescribe.

The following sentences are proposed to be added to the Article XI, Section 13, should this measure pass on the next gubernatorial ballot:

*"The citizens of this state shall have the personal right to hunt and fish, subject to reasonable regulations and restrictions prescribed by law. The recognition of this right does not abrogate any private or public property rights, nor does it limit the state's power to regulate commercial activity. Traditional manners and means may be used to take non-threatened species."*

### Budget Hearings:

Tuesday's budget hearings were of our Constitutional Officers: the Comptroller of the Treasury, the Secretary of State, and the Treasury Department.

Wednesday's budget hearings included discussion from the Tennessee Bureau of Investigation, the Department of F&A representing Cover Tennessee, and the Department of Safety.

Thursday's hearings will include the Dept. of Commerce and Insurance and the Tennessee Regulatory Authority.

Upcoming budget hearings scheduled for next week include the following:

### Monday, March 1<sup>st</sup>:

- Dept. of Environment & Conservation
- Tennessee Historical Commission



- Tennessee Wildlife Resources Agency

Tuesday, March 2<sup>nd</sup>:

- Dept. of Mental Health & Developmental Disabilities
- Dept. of Agriculture
- Dept. of Economic & Community Development

Wednesday, March 3<sup>rd</sup>:

- Tennessee Board of Probation & Parole
- Tennessee Corrections Institute
- Dept. of Correction

Thursday, March 4<sup>th</sup>:

- Dept. of Health
- Dept. of Human Services

## BUDGET SUBCOMMITTEE

The Budget Subcommittee of the House Finance, Ways, and Means Committee met on Wednesday, February 24, 2010 with twenty-three bills on its calendar. Subcommittee action on these bills is as follows:

### Deferred for One Week:

HB 2866 (Haynes)  
HB 2868 (Haynes)

### Deferred for Two Weeks:

HB 3473 (Bone)  
HB 3170 (Curtiss)

### Taken Off Notice:

HB 2825 (T. Cobb)  
HB 13 (Floyd)  
HB 2804 (McDonald)

### Behind the Budget:

HB 242 (Rich)  
HB 3550 (Maddox)  
HB 2918 (Fincher)  
HB 2549 (Dean)

### Referred to Full Committee:

**HB 3033 (Fitzhugh)** – This legislation authorizes the Attorney General to disclose to a cigarette manufacturer or a roll-your-own manufacturer any information provided by licensed agents of the Department of Revenue regarding the number of cigarettes sold with that manufacturer's tax stamp

affixed or the tax otherwise paid. The Budget Subcommittee added an amendment to the bill protecting the confidential nature of the information under authorization to being provided with this legislation.

**HJR 754 (Watson)** – This resolution, as amended in House Transportation, pledges full support of the Tennessee General Assembly for the development of the Corridor K highway project and urges the U.S. Dept. of Transportation to take all necessary measures to facilitate the establishment and construction of Corridor K. The recipients of the engrossed copy of the resolution include that of the Secretary of Transportation and Tennessee's Commissioner of Transportation.

**HB 2507 (Swafford)** – As amended in House Transportation, this bill provides for the erection of directional signs to the U.S. Chess Federation on Interstate 40 in Cumberland County at Exit 320 (State Route 298), on both eastbound and westbound lanes, with the City of Crossville overseeing the payment for the costs associated with the new signage to the Department of Transportation.

**HB 3660 (Stewart)** – This bill, as amended in House Budget Subcommittee, names the Shelby Street pedestrian bridge in Metropolitan Nashville – Davidson County as the “*American Prisoners of War Pathway*” and directs TDOT to manufacture and install suitable signs with Davidson County overseeing the payment process to the Department of Transportation for the signage.

**HB 3309 (Mumpower)** – This bill allows political subdivisions in this state to join with at least one political subdivision of another state to create a regional airport authority. The legislation defines the “governing body” of a regional airport authority as the official entity authorized to exercise law-making powers of a local government of another state. It requires the creation of a regional airport authority when three or more municipalities or counties and at least one political subdivision of another state create an airport commission and by a majority of those governing bodies recommend its creation. Furthermore, it requires approval of the Attorney General prior to the implementation of an interlocal agreement. As amended in the Budget Subcommittee, the make-



Representative Watson, Representative Swafford

up of the regional airport authority created within the bill was changed to add one additional commissioner who would be appointed by the other commissioners of the airport authority in their first order of business. If, by chance, the commissioners cannot reach an agreement on the appointment, the bill provides that the Governor shall appoint the thirteenth commissioner instead.

**HJR 746 (Marsh)** – This legislation urges 911 call centers in Tennessee to accept text messages from citizens in urgent and emergency situations.

**HB 3500 (Hensley)** – A memorializing highway sign bill, this legislation designates the one-mile segment of State Route 242 (West Point Rd.) in Lawrence County between mile marker 13 and mile marker 14 as the “*Emmie Robertson Memorial Highway*.” It was at this particular section of roadway where Ms. Robertson tragically lost her life in an automobile accident. As amended in Budget Sub., Lawrence County will oversee the payment to TDOT for the signage.

**HB 2696 (Dennis)** – A highway sign memorializing a Tennessee Armed Services member who was killed in action. The legislation designates the segment of S.R. 142 in McNairy County from the McNairy County – Hardin County boundary westward to the most western corporate limits of Stantonville as the “*PFC Cleabern W. Hill, Jr. Memorial Highway*” and directs the Department of Transportation to erect suitable signs. PFC Hill, US Army, was killed in action while serving in Vietnam, therefore, the costs of the signs shall be funded in accordance with TCA §54-1-133.

**HB 3044 (B. Cooper)** – This bill authorizes any municipality with a central business improvement district to provide assistance to industrial development corporations by pledging, granting or contributing revenues

generated from any source, except those generated from ad valorem property taxes, for projects including public infrastructure, improvements of facilities or one or more parking or sports facilities located within an area designated by municipal resolution or ordinance as the center city area. ((This includes, but is not limited to, any alleys, auditoriums, bridges, culverts, curbs, drainage systems (including storm water sewers and drains), garages, parks, parking facilities, parkways, playgrounds, plazas, public art, roads, sewers, sidewalks, stadiums, streets, street equipment, tunnels, and viaducts.))

**HB 3280 (Coleman)** – This legislation adds a broader definition of substances that may affect the central nervous system for purposes of prohibition against driving under the influence (DUI).

**HB 2715 (Brown)** – This legislation is a highway sign designating the segment of Broad Street (U.S. Highways 11 and 72) in the City of Chattanooga from such street’s intersection with West 32nd Street southward to its intersection with Tennessee Avenue (State Route 17), such segment including the WDEF studios at 3300 Broad Street, as the “*Luther Masingill Parkway*” and directs the Department of Transportation to manufacture and erect suitable signs. As amended in Budget Sub., the City of Chattanooga will provide oversight to make sure that the necessary funds are paid to the Department of Transportation to manufacture and erect such signs. Mr. Masingill was a broadcaster on WDEF in Chattanooga and is known as “the longest running radio announcer on the same station in the U.S.”

**HB 2753 (Borchert)** – A memorializing highway and bridge sign bill, this legislation designates the bridge spanning the Big Sandy River on State Route 69A in Henry County as the “*Warren G. Melton Memorial Bridge*” and directs the Department of

Transportation to manufacture and erect suitable signs. As amended in House Budget Subcommittee, Henry County will oversee the payment to the Department of Transportation for the signage. A World War II veteran and former mayor of Big Sandy, Mr. Melton served the city of Big Sandy in many different capacities, including that of being the city’s first fire chief of the Big Sandy Fire Dept. as well as having served as the operator of the city’s ambulance service.



Representative Borchert



# GOVERNMENT OPERATIONS

Will Walker

## FULL COMMITTEE

Government Operations met on Feb. 23 & 24<sup>th</sup> to consider 46 bills



*Vice Chairman Kernell*

**The following bills were taken off notice at the request of their sponsor**

**HB 3457, HB 3809, HB 2707**

**The following bills were rolled**

**HB 3567, HB 3291, HB 2791, HB 3439, HB 2621, HB 2596, HB 2471**

**The following bills were placed on consent and moved to Calendar and Rules**

**HB 2856, HB 2857, HB 2861, HB 2858, HB 2862, HB 2473, HB 2589, HB 2590, HB 2620, HB 2599, HB 2601, HB 2598, HB 2604, HB 2618, HB 2608, HB**

**2606, HB 2602, HB 2469, HB 2612, HB 2610**

**The following bill was recommended for passage and referred to Conservation & Environment.**

**HB 3904 – Winningham** - This bill directs the department of environment and conservation, in cooperation with the department of tourism and the department of economic and community development, to study and develop a plan for the promotion and development of adventure tourism and other recreational and economic development activities in rural areas of this state.

**The following bills were recommended for passage and referred to Health & Human Resources**

**HB 3210 – Casada** – This bill requires policies and rules of the department of health to be fully consistent with the recommendations of the Centers for Disease Control concerning excluding children from school for head lice.

**HB 3804 – Winningham** – As amended this bill authorizes the commissioner of the department of human services to adjust any eligibility criteria, by emergency rule, for any block grant or other federal or department program to permit immediate response to federal funding changes in such programs in order to maximize the availability of service to eligible persons not withstanding any state law or regulation to the contrary.

**HB 3286 – Casada** – This bill establishes a certificate of birth resulting in still birth.

**HB 2895 – Naifeh** - This bill authorizes the board to issue a special St. Jude Children’s Research Hospital Global Collaboration license to physicians who have met all qualifications for licensure other than completion of the required residency or training programs.

**The following bills were recommended for passage and referred State & Local**

**HB 3847 – M. Turner** – As amended, This bill creates the Tennessee residence commission to formulate and develop a plenary master plan and program for the adaptive restoration and preservation of the Tennessee residence, including the building and contiguous grounds.

**HB 3429 – McDonald** – “Enacts the Tennessee Beverage Container Recycling Act.”



*Representative Winningham*



*Representative Shipley*



*Representative Tidwell*

**The following bills were recommended for passage and referred to Transportation**

**HB 3079 – Shipley** – As amended, This bill authorizes the registration of all-terrain vehicles with the department of revenue and the issuance of all-terrain vehicle license plates by the

department. This bill authorizes a person to operate or drive a registered all-terrain vehicle upon a highway.

**HB 3791 – Pitts** – This bill clarifies and adds to types of information that must be included in traffic citations and abstracts of court records pertaining to traffic violations; requires persons holding commercial driver licenses to have a medical card or provide evidence of exemption beginning January 1, 2011, and makes other changes concerning motor vehicles.

**The following bill was recommended for passage and referred to Agriculture**

**HB 2910 – Tidwell** - This bill requires that any tax exemption, tax credit, tax exclusion, tax deduction, rebate, investment, contract, or grant made available by the state to directly support the purchase of forest products (incentives), excluding any such benefit available under statutorily provided programs must be approved by the commissioner of agriculture through a fair and equitable process prior to being awarded.

**The following bill was recommended for passage and referred to Judiciary**

**HB 3096 – Shaw** – This bill requires the administrative office of the courts to develop a form for use by a person who was arrested for a criminal offense but the charge was disposed of in a manner making the records of such charge subject to expungement; the person whose charge was dismissed would be entitled to this form as evidence of favorable disposition of charge.

**The following bill was recommended for passage and referred to Commerce**

**HB 3167 – Curtiss** – This bill requires a person who will be conducting blasting operations to give notice to the department of commerce and insurance

of the exact time and location a blast will occur.

**The following bill was recommended for passage and referred to Finance**

**HB 3169 – Curtiss** - This bill requires the commissioner of revenue to offset any state tax refunds that are owed to a taxpayer by the amount of any debt that the taxpayer owes to a state agency or to any person on whose behalf a state agency acts to collect a debt.

**The following bills were recommended for passage and referred to Calendar and Rules**

**HB 2467 – Lynn** – As amended, this bill extends the Sex Offender Treatment Board to 2013.

**HB 2595 – Lynn** – As amended, this bill extends the Board of Funeral Directors and Embalmers to 2013 as well as removes the sale of funeral merchandise from the definition of funeral directors.

**HB 2457 – Lynn** – This bill extends the TBI to 2014.



# HEALTH & HUMAN RESOURCES

Judy Narramore

## FULL COMMITTEE

The **Health & Human Resources Committee** met Tuesday, February 23, 2010, with seven bills on the calendar and addendum. Rep. Ramsey requested a committee roll on **HB 1871** (adult emergency dental services in health departments) as interested parties continue to work on amendatory language; without objection, HB 1871 was rolled one week. **HB 2581 (Odom)** as amended that revises existing reporting requirements and sanctions relative to “doctor shopping” for controlled substances was referred to C&R. **HB 2823 (T. Cobb)** as amended that authorizes service animals and fish for decorative purposes in barber shops was referred to C&R. **HB 2903 (Shepard)** that adds Level III office-based surgery to existing statute relative to reporting requirements for office-based surgery was referred to C&R. **HB 3202 (Eldridge)** that requires the Department of Health to make available on its web site a printable publication

that contains information about umbilical cord blood banking and also requires the Department to encourage health care professionals providing services directly related to a woman’s pregnancy to provide the publication to a pregnant woman by the end of her second trimester (26<sup>th</sup> week) was referred to C&R. **HB 3813 (L. DeBerry, M. Turner)** that revises the list of licenses a Level 2 adult care home provider who serves residents with a traumatic brain injury or a resident manager employed by such provider must hold to include a “licensed rehabilitation professional or licensed mental health professional” instead of a “respiratory therapist” was referred to C&R. **HB 3804 (Winningham, M. Turner)** as amended by the Government Operations Committee that authorizes the Department of Human Services to provide low-income energy assistance at any percentage of the federal income poverty level as permitted by federal law was referred to C&R.

## PROFESSIONAL OCCUPATIONS SUBCOMMITTEE

The **Professional Occupations Subcommittee** met immediately following full committee on Tuesday, February 23<sup>rd</sup> with six bills on calendar, referring four to full committee. **HB 2585 (Shepard)** as amended that authorizes a prescription issued by a lawful practitioner who has died to be dispensed based upon the requirements set out in the legislation for new prescriptions (90 days), controlled substances (90 days), and non-schedule drugs (180 days) was referred to full committee. **HB 2634 (J. DeBerry)** as amended that limits on-line or web-based courses used by dental hygienists to meet biennial continuing education requirements to 50% was referred to full committee. Rep. Shepard rolled **HB 2679 (Hill)** one week. **HB 3251 (Armstrong)** as amended that requires the Board of Medical Examiners to enter into a written agreement with the United States Department of Homeland Security to enforce federal immigration



laws relating to licensure of foreign physicians, including participation in the federal systematic alien verification of entitlements (SAVE) program or other certifying agent approved by the Department was referred to full committee. Rep. Maggart rolled **HB 3368** one week. **HB 3833 (Camper, M. Turner)** that authorizes the EMS



Representative Camper

Board to discipline or deny authorization to any person regulated by the Board who violates any criminal statute of *any state* (existing law says “this state”) and removes the \$25 limit on reinstatement fees for an applicant whose certification has expired was referred to full committee.

## HEALTH CARE FACILITIES SUBCOMMITTEE

The **Health Care Facilities Subcommittee** scheduled for Wednesday, February 24, 2010, was cancelled.

## PUBLIC HEALTH & FAMILY ASSISTANCE SUBCOMMITTEE

The **Public Health & Family Assistance Subcommittee** met Wednesday afternoon, February 24<sup>th</sup> with six bills on the calendar and addendum, referring three to full committee. **HB 3301 (Lynn)** concerning the “Freedom from Coercion Act” was discussed at length and ultimately rolled one week by the subcommittee for further review by all

interested parties, particularly as it relates to the signage language. **HB 3139 (H. Brooks)** that changes references within TCA Titles 33, 39, 41, and 49 from “mental retardation” to “intellectual disability” was referred to full committee. **HB 3719 (Bass)** as amended that requires TennCare to cover private duty nursing services for certain quadriplegic individuals was referred to full committee. **HB 3173 (Hill)** was taken off notice at the request of the sponsor. **HB 3552 (Maddox)** was rolled two weeks at the request of the sponsor. **HB 2504 (Moore)** as amended that requires the Department of Health to implement a pilot program authorizing county clerks to issue certified copies of birth certificates was referred to full committee. The pilot program will exist for four years and will be limited to one county clerk site in Davidson, Hamilton, Knox, Shelby, Unicoi, McMinn, Tipton, Hamblen, and Anderson Counties.



## THE FULL COMMITTEE

The **Judiciary Committee** met on Tuesday, February 23, 2010 with 23 bills on calendar.

### To Calendar and Rules:

**HB 2847 (Harwell)** – prevents the Tennessee Independent Colleges and Universities Association and its member institutions from being held liable for breach of confidentiality of student data or records that are required to be submitted to THEC, if the breach was a result of the actions of the commission or its staff.

**HB 2767 (Tindell)** – removes lien authorization for unlicensed residential or home improvement contractor if work is performed in a jurisdiction which requires such persons to be licensed.

**HB 3047 (Fitzhugh)** – increases from \$25,000 to \$150,000 the value of an institutional fund for which modification of a restriction on a gift instrument is permitted.

**HB 2687 (Harrison)** – provides that the regular employer of an employee will not be held liable for civil damages arising out of actions of an employee

while the employee is serving as a mandatory prescreening agent.

**HB 3863 (Coleman)** – enacts the Tennessee Community Property Trust Act of 2010, which allows a married couple to voluntarily choose to transfer property to a trust and convert such property to community property.

### To Calendar and Rules as Amended:

**HB 3270 (Fincher)** – as amended prohibits trespassing on any property quarantined due to its use in manufacturing methamphetamine.

**HB 3862 (Coleman)** – mandates that wills or trusts of decedents, who die





*Representative Fincher*

after December 31, 2009, but before January 1, 2011, that reference certain exemptions shall be construed as referring to the federal estate and generation-skipping transfer tax laws. An amendment following the bill excludes certain wills and trusts from the general rule of construction, as established in the original bill, when personal representatives for the will or trust file written elections to opt out of the rule with the court clerks; defines the term “qualified beneficiary”.

To Finance, Ways & Means:

**HB 2851 (Bone)** – increases the fees for court officers in Wilson County for attending on grand jury or waiting in court from \$75.00 to \$100 and establishes the fee as a minimum; authorizes the county legislative body of such county to increase the fee by resolution no more than once annually.

Rolled:

**HB 2506 Matlock:** 1 week

**HB 1363 Todd:** 3 weeks

**HB 2625 Dunn:** 1 week

Attached amendment makes technical corrections.

**HB 2768 Shipley:** 2 weeks

**HB 3031 Ramsey:** last calendar

**HB 3222 Hawk:** 1 week

**HB 2752 Swafford:** 1 week

Attached amendment corrects directory language.

**HB 3645 Sargent:** 3 weeks

**HB 3644 Sargent:** 3 weeks

**HB 3203 Eldridge:** 1 week

**HB 2835 Dennis:** 1 week

**HB 3269 Fincher:** last calendar

**HB 3271 Fincher:** last calendar

**HB 3272 Fincher:** last calendar

Off Notice:

**HB 0791 Matlock**

**CRIMINAL PRACTICE AND  
PROCEDURE SUBCOMMITTEE**

The **Criminal Practice and Procedure Subcommittee** met on Wednesday February 24, 2010 with 22 bills on calendar.

To Judiciary:

**HB 2560 (Montgomery)** – creates Class C felony of health care professional stealing, withholding, or depriving a patient of controlled substances prescribed for the patient’s comfort or pain.

**HB 2690 (Coleman)** – requires that at the end of the trial court proceeding, the



*Chairman Coleman*

clerk pay any money collected from an indigent criminal defendant to the administrative office of the courts rather than directly to the defendant’s attorney of record.

**HB 3281 (Coleman)** – allows a court, when setting bail for a defendant arrested for certain alcohol related offenses and such defendant has prior convictions for certain alcohol related offenses or is currently already released on bail for certain alcohol related offenses, to order monitoring devices or in-patient treatment as a condition of release and requires the court to determine whether the defendant is a danger to the community prior to release.

**HB 3279 (Coleman)** – directs that any appeal of a final judgment of a writ of error coram nobis is heard and determined by the court of criminal appeals instead of the supreme court.

**HB 2796 (Ramsey)** – provides that offense of soliciting the sexual exploitation of a minor can be prosecuted in this state against person located outside the state if the person solicited a law enforcement officer posing as a minor located within this state.

**HB 3053 (Bass)** – provides that no arrest warrant or criminal summons shall issue without the written approval of the applicable district attorney if the affiant knows the person to be arrested or summoned is a law enforcement officer.

To Judiciary as Amended:

**HB 3040 (Dennis)** – allows a full-time POST-certified law enforcement officer to carry issued but blank subpoenas during course of official duties; permits the officer to complete and serve the subpoena at the scene of a crime or during the course of an investigation. An amendment traveling with the bill ensures the bill conforms to rules of criminal rather than civil procedure.

**HB 2917 (Fincher)** – requires certain DUI offenders to operate only a motor vehicle that is equipped with a functioning ignition interlock device. An amendment following the bill eliminates from the original bill the requirement for a fourth or subsequent offender to operate only a motor vehicle with an Ignition Interlock Device (IID) for the remainder of that person’s life. Increases from \$15 to \$47 the monthly fee required for a person ordered to use an IID. Allocates \$45 to the Ignition Interlock Fund and \$2 to the Department of Safety. Classifies a violation of an order to use an interlock device as a Class A misdemeanor punishable by a fine of \$2,500 only.

**HB 2769 (Rich)** – provides that evidence obtained by use of radar device cannot be used in evidence in any judicial or administrative proceeding to prove speed of vehicle unless the operator was certified to properly use the device by a recognized organization in the field. An amendment traveling with the bill clarifies that the instruction in use of a radar device be in accordance with POST Commission standards.

*Rolled:*

**HB 1827 Matlock:** 3 weeks

**HB 2640 Cooper B:** 2 weeks  
**HB 3691 Coleman:** 3 weeks  
**HB 3561 Rowland:** 1 week  
**HB 2059 Lynn:** 1 week  
**HB 2765 Tindell:** 1 week  
**HB 2962 Faulkner:** 1 week  
**HB 2567 Fincher:** 2 weeks  
**HB 0032 Hardaway:** 1 week  
**HR 0083 Hardaway:** 1 week  
**HB 0672 Maggart:** 1 week  
**HB 0673 Maggart:** 1 week  
**HB 3741 Matheny:** 2 weeks

## **CIVIL PRACTICE & PROCEDURE SUBCOMMITTEE**

The Civil Subcommittee met with 16 bills on calendar.

*To the Full Committee:*

**HB 3631 (Todd)** – This bill excludes county registers of deeds from those entities that local governments may require to collect an archive and record management fee per document filed. The issue, according to the registers, is a need to charge uniform fees. The bill travels with an amendment.

**HB 3462 (Camper)** – In a bill affecting the Regional Medical Center at Memphis, this removes the sunset provision in the Governmental Tort Liability Act that defined “governmental

entity” differently for Shelby County. The provision was set to expire in 2011.

**HB 2760 (Curtiss)** – In the event of death of persons in the military, the person designated to direct the disposition of remains on the DD Form 93 is authorized to carry out that directive. Under this bill, in the event of a conflict between the provisions of a DD Form 93 and a durable power of attorney, advance directive, donor card, living will, will, or other legal document, the DD Form 93 will prevail if it is the most recent document executed. The bill travels with an amendment.

**HB 2670 (Fincher)** – This bill revises current law regarding the registration, removal or redaction of confidential military discharge records. It is an effort to protect against identity theft from such veterans’ records. The bill travels with an amendment.

**HB 3652 (Stewart)** – This bill authorizes Davidson County’s legislative body to impose, by a 2/3rds vote, an additional litigation tax on filings in general sessions and juvenile courts. The money must be used to fund local victim-offender mediation centers.

**HB 3586 (Coleman)** – This bill proposes changes to the process of appointing special judges when a judge of a court of general sessions or juvenile court must be absent.

*Rolled:*

**HB 3078 Haynes:** 1 week  
**HB 3793 M. Turner:** 1 week  
**HB 3083 Coley:** 1 week  
**HB 3659 Stewart:** 1 week  
**HB 3539 Maddox:** 1 week  
**HB 0682 Cooper:** 2 weeks  
**HB 3338 Carr:** 2 weeks  
**HB 3300 McCormick:** 2 weeks  
**HB 2848 McCormick:** last calendar

*Off Notice:*

**HB 3348 Curtiss**



*Representative Rich, Representative Dennis*



# STATE & LOCAL GOVERNMENT

Daniel Culbreath

## FULL COMMITTEE

The **State & Local Government Committee** passed out twenty one bills on Tuesday during its full committee meeting.

**HB 2349 (Dennis)** would deny a member or former member of the General Assembly access to state health insurance benefits if the individual is convicted of a felony involving public office. The Council on Pension & Insurance added an amendment to clarify that the bill is not retroactive against members or former members that may already have a felony conviction. The member or former member's spouse and/or dependent children would still be eligible for coverage.

*[passed to Finance, Ways, and Means Committee]*

**HB 2491 (Roach)** would exempt Grainger County firefighters from the state minimum training requirements. An amendment was added to say if the firefighters are exempt from the minimum training, then they will not be eligible to receive the state pay supplement for in-service training.

*[passed to Calendar and Rules Committee]*

**HB 2509 (McCormick)** would allow the Hamilton County Register of Deeds to allocate funds from certain data processing fees for other purposes instead of on computer equipment, software, and maintenance.

*[passed to Calendar and Rules Committee]*

**HB 2510 (McCormick)** authorizes Hamilton County register's office to collect a \$2.00 electronic filing submission fee for each electronically-



*State Government Chair McCormick*

filed document recorded over the Internet through the office's website.

*[passed to Finance, Ways, and Means Committee]*

**HJR 733 (McCormick)** would designate April 24, 2010 as "Helping Hands and Linking Arms Day" in Tennessee.

*[passed to Calendar and Rules Committee]*

**HB 2799 (McCormick)** as amended would make it easier for soldiers to vote that are stationed overseas. The soldier could receive a ballot by mail once an application is made by mail or email.

*[passed to Calendar and Rules Committee]*

**HB 2870 (McDonald)** would permit municipalities to collect property taxes in installments. This practice is currently allowed for counties but not cities.

*[passed to Calendar and Rules Committee]*

**HB 3006 (Marsh)** allows the Walking Horse Hotel in Bedford County to sell alcoholic beverages.

*[passed to Calendar and Rules Committee]*

**HB 3007 (Marsh)** requires each state department and agency to be economically efficient by using innovative approaches suggested by its employees and the general public. Each department would report its progress annually during its budget hearings in the House and the Senate.

*[passed to Calendar and Rules Committee]*

**HB 3075 (Hill)** codifies the current practice of granting administrative leave days to state employees who are TSEA board members to attend board meetings. An amendment was adopted to cap the days at 12 per year since the meeting are held once a month.

*[passed to Calendar and Rules Committee]*

**HB 3185 (Turner M)** authorizes a historic music hall to serve as a historic performing arts center and allows alcoholic beverages to be sold at the center during performances. It also requires a portion of the profits from alcohol sales to be used for the operation, renovation, refurbishing or general maintenance of the center. An amendment was adopted to make some technical corrections.

*[passed to Calendar and Rules Committee]*

**HB 3354 (Fraley)** would allow a facility owned by a private university in Franklin County (Sewanee) that has sleeping accommodations and a dining room to sell alcoholic beverages.

*[passed to Calendar and Rules Committee]*

**HB 3355 (Hackworth)** authorizes TBI or FBI criminal background checks on applicants for beer permits.  
*[passed to Finance, Ways, and Means Committee]*

**HB 3608 (Fitzhugh)** allows the State Board of Equalization to raise certain fees to cover administrative costs. The nonrefundable exemption processing fee will be increased from \$100 to \$120. The nonrefundable appeal processing fee would be raised from \$5 to \$7. The maximum refundable appeal hearing fee will be increased from \$100 to \$120. The \$1 limit one electronic appeals will be abolished because it is no longer collected.  
*[passed to Finance, Ways, and Means Committee]*

**HB 3609 (Fitzhugh)** provides the State Board of Equalization a remedy in the event of a double assessment by two different counties to the same piece of property. The board would not be able to rule that the property is in a different county if the property has

been previously assessed in a county for at least five years.

*[passed to Calendar and Rules Committee]*

**HB 3610 (Fitzhugh)** would remove the requirement for the Comptroller to develop standards for counties to distribute funds to nonprofits. According to Rep. Fitzhugh, these procedures have been codified over the past several years.  
*[passed to Calendar and Rules Committee]*

**HJR 787 (Montgomery)** confirms the appointment of James Ripley to the Tennessee Education Lottery Corporation board of directors.  
*[passed to Calendar and Rules Committee]*

**HJR 788 (Fincher)** confirms the appointment of Garry W. McNabb to the Tennessee Education Lottery Corporation board of directors.  
*[passed to Calendar and Rules Committee]*

**HB 3069 (Miller L)** broadens authority for Shelby County government and municipalities therein to convey real property to nonprofit community development corporations for creation of affordable housing by authorizing such conveyances for any purpose that local government officers deem proper to inure to the public benefit. A technical amendment was adopted that did not make significant changes to the bill.  
*[passed to Finance, Ways, and Means Committee]*

**HB 3176 (Swafford)** names the “Larry Lively HoPE Center” at the Taft Youth Development Center located in Bledsoe County near Pikeville.  
*[passed to Finance, Ways, and Means Committee]*

**HB 270 (Watson)** as amended, would include a new warning provision to be added to the voter registration application. The warning would notify

the applicant of the current criminal offense of a Class D felony punishable by 2 – 12 years in prison or a \$1,000 – \$5,000 fine for anyone giving false information when registering to vote. Also, the application would include a statement for the applicant to check off which affirms that the person is lawfully present in the United States.  
*[passed to Finance, Ways, and Means Committee]*

**HB 3056 (Dunn)** was rolled for one week.

**HB 2748 (Dunn)** was rolled for one week.

**HB 3070 (Jones U)** was rolled for one week.

**HB 1357 (Carr)** was rolled for one week.

**HB 3147 (Jones U)** was referred back to the Local Government Subcommittee

## ELECTIONS SUBCOMMITTEE

The **Elections Subcommittee** met on Tuesday to consider two bills.

**HB 3019 (DeBerry J)** requires any contest of a primary election to be heard by an administrative law judge appointed by the Secretary of State. During discussion, Judge Tom Stovall from the Administrative Procedures Division of the Secretary of State’s office briefed the committee on the typical qualifications of an Administrative Law judge. Rep. Watson stressed the importance of these cases being handled in a bipartisan manner. The bill was rolled for one week so that there could be more discussion.  
*[rolled for one week]*

**HB 3234 (McCord)** was rolled to the last meeting.

## STATE GOVERNMENT SUBCOMMITTEE

The **State Government Subcommittee** met on Tuesday and moved six bills to the full committee.



*Representative Fitzhugh*



**HB 3389 (Moore)** as amended requires that all state employees who serve as supervisors must reside in the state of Tennessee during the time in which they serve in that capacity.  
*[passed to the full committee]*

**SJR 711 (Marsh)** would designate Margaret “Maggi” Britton Vaughn as the Poet Laureate of Tennessee  
*[passed to the full committee]*

**HJR 763 (Cooper B)** would designate June 6, 2010, as “National Church School Day” and June 7, 2010 – July 31, 2010, as “Back to Church School Crusade Months”  
*[passed to the full committee]*

**HJR 817 (Shaw)** would adopt “So I’ll Just Shine in Tennessee” (“I’m a [any town], Tennessee Nugget”) as an official state song  
*[passed to the full committee]*

**HB 3618 (Cobb J)** would entitle private non-profit higher education institutions chartered in Tennessee to purchase and contract for the purchase of materials, supplies, equipment, and services through the Department of General Services in a similar manner to state public colleges, universities, and technology centers.  
*[passed to the full committee]*

**HB 3152 (Tindell)** as amended would create the position of Executive Director within the Commission on Firefighting Personnel Standards and Education, and also specifies areas of expertise from which members of the commission are to be appointed.  
*[passed to full committee]*

**HB 2481 (Moore)** failed due to lack of a motion.

**HB 3352 (Curtiss)** was taken off notice.

**HB 3356 (Hackworth)** was taken off notice

The following bills were rolled for one week:

**HB 3638 (Todd)**

**HB 3640 (Todd)**  
**HB 3364 (Gilmore)**

## LOCAL GOVERNMENT SUBCOMMITTEE

The **Local Government Subcommittee** met on Wednesday and moved fourteen bills to the full committee.

**HB 0187 (Marsh)** as amended would allow local boards to construct a building for their own use. They may borrow funds, or may mortgage its real property or other assets to secure a loan.  
*[passed to full committee]*

**HB 3344 (Casada)** authorizes the sale of alcoholic beverages on a charter boat that departs from certain premier type tourist resorts in Jefferson County. The bill also revises the geographic requirement for a facility in Jefferson County to qualify as a premier type tourist resort.  
*[passed to full committee]*

**HB 3034 (Casada)** as amended would add Sligo Marina in Dekalb County to those facilities that are authorized to sell alcoholic beverages for on-premises



*Representative Tindell*

consumption as a premier type tourist resort  
*[passed to full committee]*

**HB 2580 (Brown)** allows Majestic Theater in Chattanooga to sell alcoholic beverages for consumption on premises.  
*[passed to the full committee]*

**HB 3890 (Harrison)** removes the exemption for Hawkins County from the minimum training requirements for firefighters. An amendment that was passed in the Senate also removed the exemptions for Campbell, Washington, and Weakley counties.  
*[passed to the full committee]*

**HB 2744 (Lundberg)** creates a misdemeanor offense for possessing an open container of an alcoholic beverage within the passenger area of a motor vehicle on a public highway. Colonel Mike Walker from the Tennessee Highway Patrol spoke to the committee and discussed the need to enhance highway safety. There is an exemption in this bill for motor homes or any other vehicles that are driven by a hired driver.  
*[passed to full committee]*

**HB 3341 (Pruitt)** specifies the method for determining the rate of interest on Build America Bonds issued by convention center authorities.  
*[passed to full committee]*

**HB 2401 (Johnson C)** rewrites the charter of the City of Clarksville, subject to local approval. The members of the committee discussed the legislation with Mr. Roger Maness, who helped draft the revised charter. Members of the committee, including Reps. Jones and Swafford, had concerns about the role of the mayor and the city council under the new charter. One of the changes that were proposed under the new charter included requiring a 2/3 vote by the city council to override the Mayor’s veto. Rep. West proposed an amendment that would require a referendum so that the



Representative Johnson

citizens of Clarksville could vote on the proposed charter, and that amendment was adopted. The bill was rolled for one week to allow further discussion.  
*[rolled for one week]*

**HB 2822 (Cobb T)** as amended would prohibit the state or any of its departments, agencies, or political subdivisions from entering into, or renewing, a contract for services



Representative Cobb

performed by or at a call center with a vendor who plans to outsource services to be provided by any person residing in a foreign country. The committee requested that the sponsor attach an updated fiscal note to the bill.  
*[passed to full committee]*

**HB 2842 (Sargent)** grants municipalities exclusive right to their names and symbols.  
*[passed to full committee]*

**HB 3190 (Barker)** designates procedures for delinquent tax sales when delinquent taxes are owed to both municipality and county.  
*[passed to full committee]*

**HB 3243 (McCord)** authorizes the sale and consumption of alcoholic beverages on the premises of the Clayton Center for the Arts in Blount County  
*[passed to full committee]*

**HB 3453 (Todd)** adds Pates Ford Marina in Dekalb County to those facilities authorized to sell alcoholic beverages for on-premises consumption as a premier type tourist resort.  
*[passed to full committee]*

**HB 3469 (Todd)** adds Historic Rugby in Morgan County to those facilities authorized to sell alcoholic beverages for on-premises consumption as a premier type tourist resort.  
*[passed to full committee]*

**HB 3639 (Todd)** adds a law enforcement member to the advisory committee on open government who is a member of either the Tennessee Sheriff's Association or the Tennessee Association of Chiefs of Police.  
*[passed to full committee]*

**HB 3779 (Todd)** prohibits annexing municipalities from providing garbage collection services to newly annexed territories for five years from the date of annexation, unless collectors who served the territory prior to annexation



Chairman Todd

are contracted for such services or are otherwise compensated.  
*[placed on the annexation calendar]*

The following bills were rolled for one week:

**HB 2712 (Turner M)**  
**HB 3732 (Borchert)**  
**HB 3204 (Eldridge)**  
**HB 2834 (Todd)**  
**HB 3635 (Todd)**

The following bills were rolled for two weeks:

**HB 3695 (Niceley)**  
**HB 3390 (Moore)**  
**HB 2865 (Haynes)**

**HB 3192 (Evans)** was *taken off notice*





*Representative Maggart*

## FULL COMMITTEE

The **House Transportation Committee** convened February 23, 2010 to hear twenty-seven bills.

**HB2740 (Lundberg), HB2912 (Pruitt), HB3394 (Hensley), HB3581 (Ford), HB3620 (Richardson), HB2433 (Moore) and HB3331 (H. Brooks)** were deferred for two weeks.

**HB3024 (Harmon)** was accidentally put on the calendar. It was rolled to the first meeting after April 1.

The following bills were passed by the committee and referred to the **Calendar and Rules Committee**:  
**HB3131 (H. Brooks)** – Authorizes bicycles to proceed through intersections with inoperative vehicle detection devices due to the weight of the bicycles.

**HB3876 (Pruitt)** – As amended, authorizes TDOT develop guidelines for municipal tourism/wayfinding informational signage programs. The bill as amended also authorizes TDOT to remove signs, upon receiving written agreement from Davidson County, as part of the Wayfinding program.

**HB2486 (Harmon)** – As amended, requires motor vehicles or trailers transporting logs or poles at night to mount strobe or LED light at back of projecting load.

The following bills were passed by the committee and will be placed in the **Omnibus Special License Plate Bill**:

**HB3255 (Armstrong)** – Extends until July 1, 2011, the initial issuance period for I RECYCLE new specialty earmarked license plates.

**HB2896 (Harmon)** – Authorizes issuance of new specialty earmarked plate for Tennessee Cave Salamander. This is a caption bill and will be the Omnibus License Plate Bill.

**HB3409 (Harmon)** – Allocates regular portion of funds from Trout Unlimited new specialty earmarked plates to Tennessee Council of Trout Unlimited for distribution to Tennessee chapters, instead of allocating equal amounts to each chapter.

**HB2667 (Carr)** – Authorizes issuance of special license plates for submarine veterans of the U.S. armed forces.

**HB3365 (Maggart)** – Authorizes issuance of new specialty earmarked plates for Western Kentucky University (WKU). The bill allocates funds from sale of such plates to Music City Alumni Chapter of WKU to be used for funding scholarships for Tennessee students attending WKU.

**HB3366 (Maggart)** – Requires that Share the Road new specialty earmarked plates be redesigned for reissuance. The redesign is to be made in consultation with Jeff Roth Cycling Foundation.

**HB3477 (Matlock)** – Authorizes issuance of blue star family license plates on a revenue neutral basis.

**HB3444 (Hackworth)** – Authorizes issuance of new specialty earmarked license plates for University of Tennessee athletics. The bill allocates 50 percent of funds produced from sale thereof to the Tennessee Fund.

**HB2924 (Hackworth)** – Authorizes issuance of new specialty earmarked license plates for Oak Ridge Revitalization Effort (ORRE). The bill allocates 50 percent of funds derived from sale thereof to ORRE to restore Alexander Inn.

**HB2830 (Pruitt)** – Authorizes issuance of new specialty earmarked license plates for Fisk University. The bill allocates 50 percent of funds derived from sale thereof to university to further its academic mission.

**HB2432 (Moore)** – Authorizes issuance of International Association of Firefighters new specialty earmarked license plates for motorcycles.

**HB2704 (Ferguson)** – Authorizes issuance of blue star family license plates on a revenue neutral basis.

**HB2633 (J. DeBerry)** – Allows motorcycles that are equipped with vertical mounted license plate brackets to display license plates vertically rather than horizontally.

**HB3303 (Sargent)** – Authorizes issuance of new specialty earmarked plates for Tennessee Soccer. The proceeds from such plates allocated to Tennessee State Soccer Association for programs and services that foster growth of youth through soccer.

**HB2550 (Dean)** – Authorizes issuance of Habitat for Humanity new specialty earmarked plates. The bill allocates 50 percent of proceeds from such plates to Habitat for Humanity of Tennessee.

**HB2743 (Lundberg)** – Authorizes issuance of “Friends of Coal” new specialty earmarked plates. The proceeds from such plates allocated to Tennessee surface mine reclamation fund to be used for reclamation and revegetation of property affected by mining and exploration operations. And



*Representative Lundberg*

amendment was adopted to clarify a code reference.

The committee heard a presentation from Michael Huner of the Tennessee Asphalt Paving Industry.

## **RURAL ROADS SUBCOMMITTEE**

The **Rural Roads Subcommittee** did not meet this week and is closed subject to the call of the chair.

## **PUBLIC SAFETY SUBCOMMITTEE**

The **Public Safety & Rural Roads Subcommittee** met February 23, 2010 to consider six bills.

**HB263 (Watson)** and **HB2979 (McCord)** were rolled two weeks.

The following bills were passed by the committee and referred to the full **Transportation Committee:**  
**HB3026 (Harmon)** – Authorizes human resource agencies and development districts to obtain governmental service plates for

registration by use for vans used for such entities' activities.

**HB920 (Hawk)** – As amended, requires all license plates which are created after the effective date of this bill to include the language [www.tnvacation.com](http://www.tnvacation.com) to promote the state's official travel planning Web site.

**HJR813 (Hardaway)** – Directs the department of safety to study the use of certified mail notification relative to the suspension and revocation of driver licenses.

**HB2653 (Maggart)** – Allows counties to regulate parking on roadways solely under their jurisdiction by resolution.